

REMARKS

Claims 1-14 and 16-24 are pending in this application with claims 1, 2, 5, 6, 7, 10-12, 14, 16, 17, and 19 being amended, claim 15 being cancelled and claims 20-24 being added by this amendment. Claims 1 and 6 have been amended for purposes of clarity. Support for the amendments to claims 1 and 6 is found throughout the specification. Claims 2, 5, 7, 10-12, 14, 16, 17, and 19 have also been amended for purposes for clarity. Support for the amendments to claims 2, 5, 7, 10-12, 14, 16, 17, and 19 is found throughout the specification and in the originally filed claims. Support for new claims 20-24 may be found throughout the specification and in the previous claims. Thus, it is respectfully submitted that no new matter has been added by these amendments.

Rejection of Claims 1-4, 6-7, 9-10 and 12 under 35 U.S.C. § 102(b)

Claims 1-4, 6, 7, 9-10 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Walker (U.S. Patent No. 5,819,688).

The present claimed invention provides a floor mat and a small animal rearing cage including the floor mat for housing and rearing small animals. The floor mat is a sheet having a flexibility to a degree that the floor mat is able to wrap the body of a small animal and a size that covers at least the entire abdomen of the small animal. The flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body.

Walker describes a pet animal odor absorbing mat including a mat or pad formed of a fibrous material, such as a cellulosic material, and which is integrally incorporated with a zeolite mineral during the manufacture of the mat. Walker further describes a mat provided with a backing since the mat itself does not have a high amount of structural integrity due to the fact that the fibers and the mineral are only held together with a binder, and in some cases, it may be desirable to provide this backing. The backing will provide some structural integrity and will also allow hinging. For this purpose, the backing may be provided with notches, as best shown in

figure 3. In place of the notches, score lines or the like could also be used (see col. 5, line 63-col. 6, line 5).

Unlike the present claimed invention, Walker comprises notches, score lines or the like on the backing to allow for folding of the mat in order to conserve packaging storage and reduce the potential for damage if produced as a single flat sheet (column 6, lines 2-10). The Office Action argues that the pliability of the mat implies flexibility (Office Action, page 4). The Applicants respectfully disagree. Walker describes a **flat** mat (column 4, lines 37-38) with pliability, but does NOT describe a mat with flexibility to a degree that it can wrap the body of the small animals as in the present claimed invention. In the present claimed invention the floor mat is not broken at a point where the mat is folded but keeps a seamless state of the mat and also has a softness that the folded point is not automatically folded out by the way of repulsion of the floor mat (Application, page 10, lines 13 – page 11, lines 13). This is emphasized in the claims which recite that “the flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body.” The pliable flat mat of Walker is fundamentally different from the present claimed invention. As stated above, Walker describes a mat that is flat and comprised of a fibrous section without much structural integrity that is held together via a backing. The fibrous material of Walker is scored thus enabling pliability; however, pliability in Walker is fundamentally different from and not equivalent to “flexibility” that enables the present claimed mat to “wrap the body of the small animals.” The objective of Walker in providing pliability (for packaging and storing) is wholly unlike the objective of the present claimed invention in providing flexibility (for wrapping a small animal providing warmth and protection). If one would attempt to wrap the Walker mat as asserted in the Rejection, the Walker mat, due to the scoring, would cause a seam to appear in the mat. Additionally, the mat in Walker may not be folded at any random point on the mat, but may only be folded at the scored points in the backing. This is in direct contrast to the present claimed “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Additionally, if one would attempt to fold the Walker mat onto itself as in the present claimed invention, the Walker mat, due to the seams and lack of structural integrity in the fibrous materials of the mat, would no longer perform its intended function. As folding the mat onto itself would weaken the structural integrity of the fibers and create seams, the Walker mat would no longer be suitable to perform its intended function, which is to absorb animal odors and liquids, as odors and liquids would be able to pass through the seams where the fibrous material has been broken or displaced. Thus, Walker neither discloses nor suggests “flexibility to a degree that can wrap the body of the small animal” as recited in claims 1 and 6 of the present invention. Furthermore, Walker neither discloses nor suggests “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Additionally, although Walker describes that the mat may be essentially any size, it is intended that the mat adopt a size and shape to conform to the environment of its intended use, specifically for use in the bottom of a litter box or on the floor of a cage (*see* Walker, col. 4, lines 23-32 and fig. 1). Therefore, the size of the Walker mat is based on the dimensions of the litter box or cage. Walker neither discloses nor suggests the relationship of size of the mat to accommodate the abdomen of small animals as in the present claimed invention. Thus, Walker shows no recognition of the problems addressed by the present claimed invention and neither discloses nor suggests “a size that covers at least the entire abdomen of said small animals” as recited in claims 1 and 6 of the present invention.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. As claims 2-4, and 9 are dependent on independent claim 1 and claims 7, 10, and 12 are dependent on independent claim 6, it is respectfully submitted that claims 2-4, 7, 9-10 and 12 are similarly not anticipated by Walker. Therefore, it is respectfully requested that the rejection of claims 1-4, 6-7, 9-10 and 12 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claims 5, 8, 11 and 13-19 under 35 U.S.C. § 103(a)

Claims 5, 8, 11 and 13-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker (U.S. Patent No. 5,819,688) in view of Otsuji et al. (U.S. Patent Pub. No. 2001/0009142) (hereinafter “Otsuji”). Applicants respectfully submit that Walker, taken alone or in combination with Otsuji, neither discloses nor suggests the features of the present claimed invention.

Unlike the present claimed invention and as discussed above, Walker comprises notches, score lines or the like on the backing to allow for folding of the mat in order to conserve packaging storage and reduce the potential for damage if produced as a single flat sheet (column 6, lines 2-10). The Office Action argues that the pliability of the mat implies flexibility (Office Action, page 4). The Applicants respectfully disagree. Walker describes a **flat** mat (column 4, lines 37-38) with pliability, but does NOT describe a mat with flexibility to a degree that it can wrap the body of the small animals as in the present claimed invention. In the present claimed invention the floor mat is not broken at a point where the mat is folded but keeps a seamless state of the mat and also has a softness that the folded point is not automatically folded out by the way of repulsion of the floor mat (Application, page 10, lines 13 – page 11, lines 13). This is emphasized in the claims of the present invention which recite that “the flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body.” This is fundamentally different from the pliable flat mat of Walker. As stated above, Walker describes a mat that is flat and comprised of a fibrous section without much structural integrity that is held together via a backing. The fibrous material of Walker is scored thus enabling pliability; however, pliability in Walker is fundamentally different from and not equivalent to “flexibility” of the present claimed invention that enables the mat to “wrap the body of the small animals.” The objective of Walker in providing pliability (for packaging and storing) is thus wholly unlike the objective of the present claimed invention in providing flexibility (for wrapping a small animal providing warmth and protection). If one would attempt to wrap the Walker mat as asserted in the Rejection, the Walker mat, due to the scoring, would cause a seam to appear in the mat. Additionally, the mat

in Walker may not be folded at any random point on the mat, but may only be folded at the scored points in the backing. This is in direct contrast to the present claimed “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Additionally, if one would attempt to fold the Walker mat onto itself as suggested in the Office Action, the Walker mat, due to the seams and lack of structural integrity in the fibrous materials of the mat, would no longer perform its intended function. As folding the mat onto itself would weaken the structural integrity of the fibers and create seams, the Walker mat would no longer be suitable to perform its intended function, which is to absorb animal odors and liquids, as odors and liquids would be able to pass through the seams, where the fibrous material has been broken or displaced. Thus, Walker neither discloses nor suggests “flexibility to a degree that can wrap the body of the small animals” as recited in claims 1 and 6 of the present invention. Furthermore, Walker neither discloses nor suggests “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Additionally, although Walker describes that the mat may be essentially any size, it is intended that the mat adopt a size and shape to conform to the environment of its intended use, specifically for use in the bottom of a litter box or on the floor of a cage (*see* Walker, col. 4, lines 23-32 and fig. 1). Therefore, the size of the Walker mat is based on the dimensions of the litter box or cage. Walker neither discloses nor suggests the relationship of size of the mat to accommodate the abdomen of small animals as in the present claimed invention. Thus, Walker shows no recognition of the problems addressed by the present claimed invention and neither discloses nor suggests “a size that covers at least the entire abdomen of said small animals” as recited in claims 1 and 6 of the present invention.

Otsuji describes an absorbent mat having a flat shape and that is useful for treating pet excreta. The mat has an absorbing base material of at least one of plant fiber and pump, an

antimicrobial surface active agent or a combination of a surface active agent and an antimicrobial agent, and at least one of a binder, a crosslinking agent, and water.

Similarly to Walker and unlike the present claimed invention, Otsuji contains fibrous material that requires the use of a backing to reinforce the structural integrity of the fibers (Otsuji, paragraph [0042]). Like Walker, and unlike the present invention, Otsuji requires hinges to allow the mat to bend at approximately a 90 degree angle (Otsuji, paragraph [117]). If one would attempt to wrap the Otsuji mat, the Otsuji mat, due to the scoring, would cause a seam to appear in the mat. Additionally, the mat in Otsuji may not be folded at any random point on the mat, but may only be folded at the scored points in the backing. Therefore, Otsuji (with Walker) neither discloses nor suggests “flexibility to a degree that can wrap the body of the small animals” as recited in claims 1 and 6 of the present invention. Furthermore, Otsuji (with Walker) neither discloses nor suggests that “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. Claims 5, 13, and 14 are dependent on independent claim 1 and claims 8, 11, and 16-19 are dependent on independent claim 6. Thus, it is respectfully submitted that these claims are also patentable for the same reasons as claims 1 and 6 discussed above.

Claims 13 and 18 contain the additional feature that “the improved cellulose fabric contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric.” The Office Action correctly asserts in note 4 that “Walker as modified by Otsuji et al. is silent about wherein the improved cellulose fabric contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric.” Nevertheless, the Applicants disagree with the Examiner’s characterization that the feature is a result of “discovering the optimum or workable ranges until the desired effect is achieved.” The ratio described is a solution to a trade-off problem arising in the production of cellulose fabrics (*see* specification, page 15, lines 18-27). When too much carboxyl is contained

in the improved cellulose fabric, the carboxyl introduction reaction time increases; the amount of the use of reagent increases leading to higher manufacturing costs; and the water absorption property of the cellulose fiber decreases. On the other hand, when too little carboxyl group is contained in the fabric, the deodorization property does not occur. Therefore, the feature that “the improved cellulose fabric contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric” produces a result, that the improved cellulose fabric provides a cost-effective trade-off between water absorption and deodorization, which is different in kind from the prior art and would not have been obvious to a person having ordinary skill in the art taking the cellulose fabric of Walker as modified by Otsuji. Thus, it is respectfully submitted that claims 13 and 18 are not made unpatentable by Walker in view of Otsuji.

Claim 15 is cancelled by this amendment. Therefore, it is respectfully submitted that the rejection of claim 15 is moot.

As claims 5, 13, and 14 are dependent on claim 1, they are patentable for the same reasons as claim 1 discussed above. As claims 8, 11, and 16-19 are dependent on claim 6, they are patentable for the same reasons as claim 6 discussed above. Claims 13 and 18 are also patentable for the additional reasons described above. Furthermore, as claim 15 is cancelled, the rejection against claim 15 is moot.

In view of the above remarks, it is respectfully submitted that Walker in view of Otsuji fails to anticipate or make obvious the claimed features. Consequently, it is respectfully requested that the rejection of claims 5, 8, 11, and 13-19 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 8 and 11 under 35 U.S.C. § 103(a)

Claims 8 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker (U.S. Patent No. 5,819,688).

As discussed above, unlike the present claimed invention, Walker comprises notches, score lines or the like on the backing to allow for folding of the mat in order to conserve packaging storage and reduce the potential for damage if produced as a single flat sheet (column

6, lines 2-10). The Office Action argues that the pliability of the mat implies flexibility (Office Action, page 4). The Applicants respectfully disagree. Walker describes a **flat** mat (column 4, lines 37-38) with pliability, but does NOT describe a mat with flexibility to a degree that it can wrap the body of the small animals as in the present claimed invention. In the present invention the floor mat has a flexibility such that it is not broken at a point where the mat is folded but keeps a seamless state of the mat and also has a softness that the folded point is not automatically folded out by the way of repulsion of the floor mat (Application, page 10, lines 13 – page 11, lines 13). This is fundamentally different from the flat mat of Walker. As stated above, Walker describes a mat that is flat and comprised of a fibrous section without much structural integrity that is held together via a backing. The fibrous material of Walker is scored thus enabling pliability. However, pliability in Walker is fundamentally different from and not equivalent to “flexibility” that enables the mat to “wrap the body of the small animals” as in the present claimed invention. The objective of Walker in providing pliability (for packaging and storing) is thus wholly unlike the objective of the present claimed invention in providing flexibility (for wrapping a small animal providing warmth and protection). If one would attempt to wrap the Walker mat as asserted in the Office Action, the Walker mat, due to the scoring, would cause a seam to appear in the mat. Additionally, unlike the present claimed invention, the mat in Walker may not be folded at any random point on the mat, but may only be folded at the scored points in the backing. This is in direct contrast to the present claimed “flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body” as recited in claims 1 and 6.

Additionally, if one would attempt to fold the Walker mat onto itself, the Walker mat, due to the seams and lack of structural integrity in the fibrous materials of the mat, would no longer perform its intended function. As folding the mat onto itself would weaken the structural integrity of the fibers and create seams, the Walker mat would no longer be suitable to perform its intended function, which is to absorb animal odors and liquids, as odors and liquids would be able to pass through the seams, where the fibrous material has been broken or displaced. Thus, not only does Walker neither disclose nor suggest “flexibility to a degree that can wrap the body of the small animals” as recited in claims 1 and 6 of the present invention but to include such

feature in the mat of walker would defeat the stated purpose of Walker. Furthermore, Walker neither discloses nor suggests "flexibility and size are such that the sheet is capable of being seamlessly folded onto itself, even after being laid down in a form where the sheet is randomly folded onto itself so as to form a fold large enough for the small animal to hide at least half of its body" as recited in claims 1 and 6.

Additionally, although Walker describes that the mat may be essentially any size, it is intended that the mat adopt a size and shape to conform to the environment of its intended use, specifically for use in the bottom of a litter box or on the floor of a cage (*see* Walker, col. 4, lines 23-32 and fig. 1). Therefore, the size of the Walker mat is based on the dimensions of the litter box or cage. Walker neither discloses nor suggests the relationship of size of the mat to accommodate the abdomen of small animals as in the present claimed invention. Thus, Walker shows no recognition of the problems addressed by the present claimed invention and neither discloses nor suggests "a size that covers at least the entire abdomen of said small animals" as recited in claims 1 and 6 of the present invention.

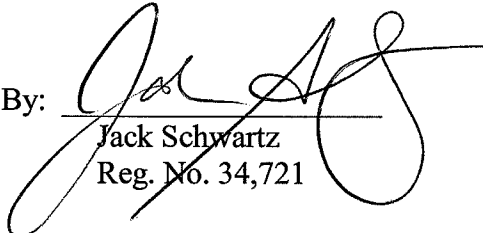
Independent claim 6 contains features similar to claim 1 and is considered to be patentable for the same reasons presented above with respect to independent claim 1. As claims 8 and 11 are dependent on independent claim 6, it is respectfully submitted that these claims are also patentable over Walker. Consequently, it is respectfully requested that the rejection of claims 8 and 11 under 35 U.S.C. § 103(a) is satisfied and should be withdrawn.

New claim 20 is dependent on independent claim 6, and therefore is considered patentable for the reasons presented above with respect to claim 6. New independent claims 21 and 23 are considered patentable for the reasons presented above with respect to claims 13 and 18. Specifically, Walker and Otsuji, when taken alone or in combination, fail to disclose or suggest that "the improved cellulose fabric contains 40 to 140 millimole carboxyl group per 100 grams of dry fabric." New claims 22 and 24 are dependent on independent claims 21 and 23 respectively, and therefore are considered patentable for the same reasons as claims 21 and 23.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Please charge the fee of three hundred and sixty dollars (\$360.00) for one (1) independent claim over the allowed limit of three (3) and three (3) claims over the allowed limit of twenty (20) to Deposit Account 50-2828. No additional fee is believed due. However, if an additional fee is due, please charge the fee to Deposit Account 50-2828.

Respectfully submitted,
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